

**Notice of Allowability**

Application No.

09/784,936

Examiner

Yogesh C. Garg

Applicant(s)

MORRIS, ROBERT A.

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/22/2005 & Interview summary on 5/15/2006.
2. ☒ The allowed claim(s) is/are 5, 6 and 16.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                   |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>5/17/2006</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                          |
|   | 9. <input type="checkbox"/> Other _____   |

*Qhyew*  
**YO GESH C. GARG**  
**Primary Ex.**

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's amendment received on 3/22/2005 is acknowledged and entered. Claims 1-4 and 10-15 are canceled. Claims 8-9 are withdrawn. Claims 5-7 are presented without any amendments and claim 16 is added new. Currently claims 5-7 and 16 are pending for examination.

### *Examiner's Amendment*

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with attorney Mr. Charles Prescott on 5/15/2006.

The application has been amended as follows:

Claims 1 - 4 (canceled)

Claim 5 (currently amended). A computer system for facilitating a sale of ~~an item~~ a plurality of items between one or more sellers and one or more potential buyers, comprising:

a memory storing data received from each seller identifying ~~one or~~ a plurality of

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items to be offered for sale; and

a processor operatively connected to the memory, the processor programmed to:

(a) establish an available purse designating a maximum amount of funds made available by each potential buyer;

(b) communicate to each potential buyer the offer for sale of each item and a predetermined portion of the data as established by each seller pertaining to the items offered for sale;

(c) receive purchase offers from each potential buyer, each purchase offer having an item and purchase price associated therewith, wherein each purchase price may not exceed the balance of the corresponding available purse, but wherein an aggregate of all pending purchase offers by each potential buyer may substantially exceed the amount of funds available to the corresponding potential buyer;

(d) communicate the pending purchase offers to each corresponding seller;

(e) receive an acceptance of a purchase offer from a seller;

(f) immediately after step (e) calculate a new balance of each available purse by deducting from the available purse the purchase price associated with the offer; and

(g) withdraw any of corresponding potential buyer's other pending purchase offers for which the associated purchase price exceeds the amount of the new balance.

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Claim 6 (currently amended). Using a central computer system, a method for facilitating a sale of ~~an item~~ a plurality of items between a seller and a buyer through PHANTOM BIDDING comprising the steps of:

A. receiving information from at least one seller pertaining to ~~one of~~ a plurality of items to be offered for sale;

B. establishing a spending limit for the buyer which designates a maximum amount of funds available to the buyer;

C. receiving a plurality of purchase offers from the buyer, each purchase offer having an item and purchase price associated therewith, wherein each purchase price may not exceed the balance of the spending limit, but wherein an aggregate of the total price of all pending purchase offers by the buyer may substantially exceed the amount of funds available to the buyer;

D. communicating the pending purchase offers to each seller;

E. receiving an acceptance of a purchase offer from a seller;

F. immediately withdrawing any of the buyer's other pending purchase offers.

G. calculating a new balance for the buyer's spending limit by deducting from the spending limit the purchase price associated with the offer immediately after step E; and

H. in step F, withdrawing other of the buyer's pending purchase offers only for which the associated purchase price offered by the buyer exceeds the amount of the new balance.

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Claims 7-15 (canceled)

Claim 16 (currently amended): A device for facilitating a sale of ~~an item~~ a plurality of items between one or more sellers and one or more potential buyers by approved remote access to said device, said device comprising:

a memory storing data received from at least one seller identifying ~~one or~~ a plurality of items to be offered for sale by a corresponding seller; and

a processor operatively connected to the memory, the processor programmed to:

(a) establish a spending limit for each potential buyer;

(b) communicate to each potential buyer, as designated by each seller, at least a portion of the data pertaining to the corresponding items to be offered for sale;

(c) receive purchase offers from each potential buyer, each purchase offer having an item and purchase price associated therewith, wherein each purchase price may be for an amount less than or equal to the corresponding spending limit, collectively, the plurality of purchase offers totaling a multiple of the spending limit;

(d) communicate the pending purchase offers to each corresponding seller;

e) receive an acceptance of a purchase offer from a seller;

(f) calculate a new balance for the buyer's spending limit by deducting from the spending limit the purchase price associated with the offer;

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(g) withdraw buyer's other pending purchase offers which individually exceed the amount of the new balance.

***Allowable Subject Matter***

3. Claims 5-6 and 16 are allowed.

***Reasons for Allowance***

4. The following is an examiner's statement of reasons for allowance:

***Claims 5-6 and 16***

The prior art of record neither anticipates nor fairly and reasonably teaches a computerized method, a system and a device for facilitating a sale of items to one or more potential buyers comprising, inter alia, the steps of establishing a predefined purse designating a maximum amount for buying items for each potential buyer, receiving purchase offers from each potential buyer, each purchase offer having an item and purchase price associated therewith, wherein each purchase price may not exceed the balance of the corresponding available purse, but wherein an aggregate of all pending purchase offers by each potential buyer may substantially exceed the amount of funds available to the corresponding potential buyer, receive an acceptance of a purchase offer from a seller and immediately on receiving acceptance of a purchase offer from the seller ) immediately after step (e) calculate a new balance of each available purse by deducting from the available purse the purchase price associated with the offer; and

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withdrawing any of corresponding potential buyer's other pending purchase offers for which the associated purchase price exceeds the amount of the new balance (see claims 5).

The above statement of reasons for allowance is written specifically with reference to claim 5 but since the language and limitations of other independent claims 6 and 16 are closely parallel to those of claim 5 claims 6 and 16 are allowable on the basis of same rationale as cited above.

Applicant's remarks filed on 3/25/2005, see pages 6-8 are compelling and commensurate with the original disclosure, see Figs 12A and 12B.

5. Discussion of most relevant prior art:

The following references have been identified as most relevant prior art to the claimed invention(s).

(i) The most closely applicable prior art of record is referred to Ojha et al. (US Patent 6,598,026) discloses that a potential buyer can bid a plurality of bids for an item being sold by a plurality of sellers and the aggregate of his bids would substantially exceed the amount that would suffice to buy the item from a seller and on reaching an agreement with any one seller the negotiations/bids with all the other sellers would automatically be terminated (see at least col.4, lines 28-48, col.5, lines 1-9 and Fig.2). However, Ojha et al. does not anticipate or render obvious the application's above-mentioned underlined unique features(s) for claims 5-6 and 16.

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(ii) Another closely applicable prior art of record is referred to US Publication 2004/0059668 A1 to Togher et al. which discloses a computer trading system for trading financial instruments between traders on trading floors wherein the computerized system automatically withdraws any bid/offer made based upon a predetermined condition (see claims 1 and 23, on pages 8 and 9). However, Togher et al. does not anticipate or render obvious the application's above-mentioned underlined unique features(s) for claims 5-6 and 16.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(i) US Patent 5,787,402 discloses a computerized method and system for performing financial transaction involving foreign currencies online wherein a customer is given an opportunity to accept an offer and if the customer delays to accept the offer for too long a period of time in deciding to accept or reject the offer the system automatically withdraws and updates the offer (see at least Abstract).

(ii) US Publication 20020055901 A1 to Gianakouros et al. discloses a computerized method and system for execution of block trades for institutional investors wherein the designated sponsoring broker acts as a counterparty and displays the credit limits for each of the sponsored clients and then the clients can carry on with their trading activities which are monitored by the broker such that the credit limit representing the maximum aggregate dollar value of trades does not exceed the credit limit (see at least Abstract and paragraphs 0091-0092). Note: This publication was



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published on May 9, 2002 and has an effective filing date of 9/26/2000 which is later than the effective filing date of the instant application.

(iii) WO 00/48113 A1 to Johnston et al. (Applicant is State Street Corp of US) discloses a computerized method and system for trading orders from one or a plurality of traders in a computerized market wherein while offering to buy securities minimum and maximum limits of cash values are specified for the entire order and maximum par values for each security offered (see Abstract, Fig.3F, page 10, lines 24-28) and then the system prunes the orders that exceed set credit limits and orders exceeding credit limits of each trader are removed (see at least pages 11-13). Note: This foreign publication was published on August 17, 2000 which is later than the effective filing date of the instant application.

(iv) Deltas, George M., Ph.D., " Essays in auctions and procurement: An analysis of bidding rings, left bids, stochastic properties of winning bids, and two step structural estimators of bidding for contracts"; Yale University, 1996 extracted from Internet on 5/5/2006 from Proquest database teaches the use of " Phantom bidding" in order to boost up the price if the bidding on floor stops at a price much lower than the expected price.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-6756. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yogesh C Garg  
Primary Examiner  
Art Unit 3625

YCG  
5/15/2006

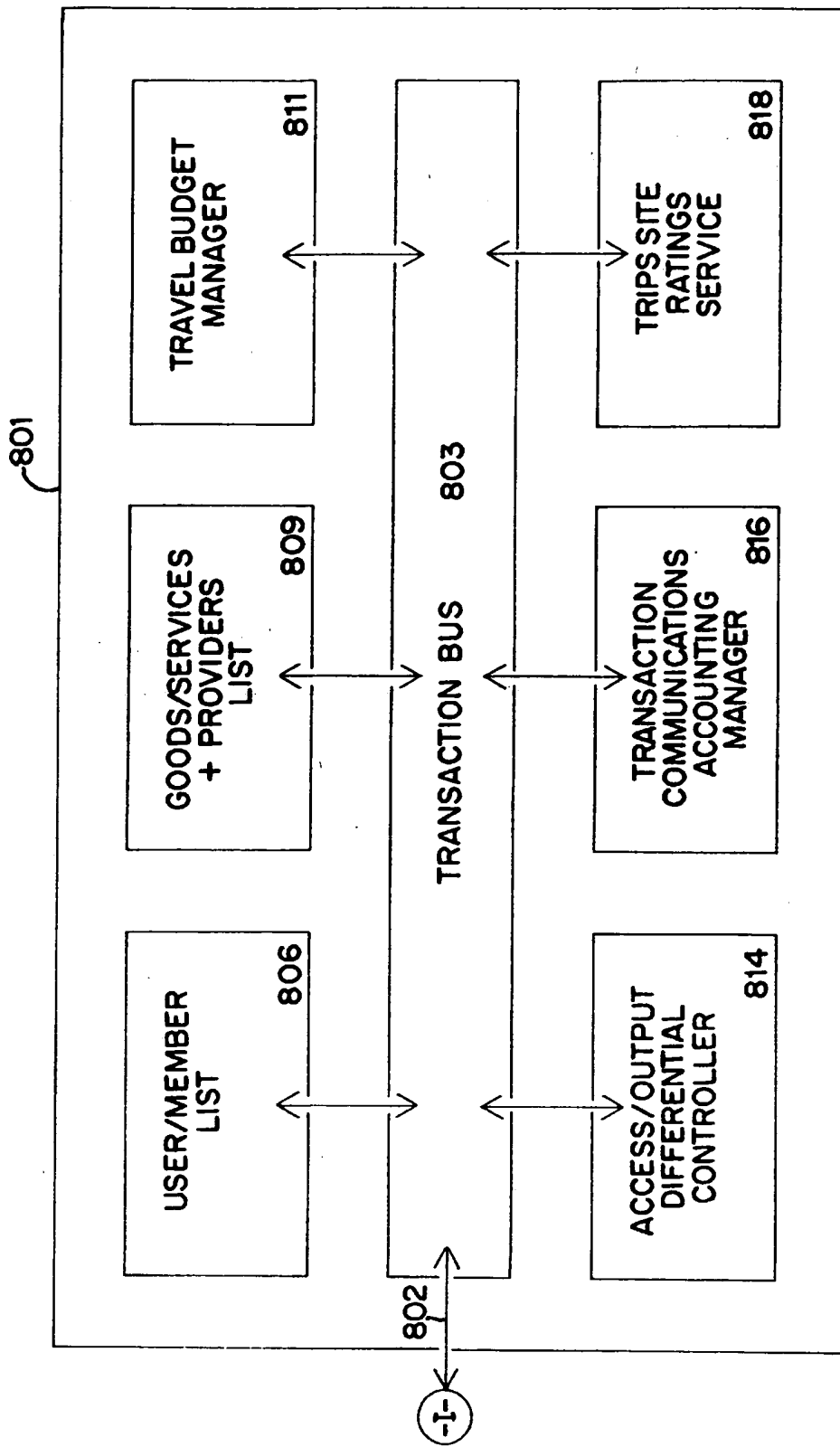


FIG 8A